

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

L-3 COMMUNICATIONS
CORPORATION,

Plaintiff,

vs.

E.R. LEWIS TRANSPORTATION, INC.,
and ADVANCED BUILDING METHODS,
INC.,

Defendants.

MEMORANDUM DECISION AND
ORDER ENTERING JUDGMENT

Case No. 2:04-CV-765 TS

On December 30, 2005, the Court issued an Order granting Plaintiff's Motion for Partial Summary Judgment Against E.R. Lewis on its Breach of Contract Claim.¹ Thereafter, Plaintiff filed a Motion for Entry of Judgment.² Defendant E.R. Lewis opposed that Motion on various grounds.³ The Court issued an Order⁴ granting the Motion in part, stating that the Court would adhere to its previous ruling on the breach of contract claim and that the only remaining issue to

¹Docket No. 46.

²Docket No. 55.

³Docket No. 58.

⁴Docket No. 60.

be determined at trial was the amount of damages.⁵ The Court set a jury trial date of May 12, 2006, to determine damages.

Defendant E.R. Lewis has now withdrawn its opposition to Plaintiff's Motion for Entry of Judgment and has requested the Court enter judgment in favor of Plaintiff in the amount of \$231,522, plus pre-judgment interest.

Since the Court has previously ruled that the only remaining issue in this case was the issue of damages, Defendant E.R. Lewis' request negates the need for a jury trial and terminates these proceedings. The Court expects that Plaintiff will dismiss its remaining claim against Defendant Advanced Building Methods and, at that point, the case will be closed.

It is therefore

ORDERED that Defendant E.R. Lewis' Motion to Withdraw Memorandum in Opposition to Motion for Entry of Judgment and Request for Entry of Judgment as to Amount of Damages (Docket No. 62) is GRANTED. It is further


ORDERED that judgment is entered in favor of Plaintiff and against Defendant E.R. Lewis in the amount of \$231,522, plus pre-judgment interest in the amount of \$58,546.52, for a total judgment of \$290,068.52. It is further

ORDERED that the jury trial set for May 12, 2006, and the final pretrial conference set for April 24, 2006, are VACATED.

⁵Plaintiff has agreed to dismiss its negligence claim against Defendant Advanced Building Methods if the Court enters judgment in its favor and against E.R. Lewis for the full amount of its damages. *See* Docket No. 59-1, at 3 n. 2.

DATED February 28, 2006.

BY THE COURT:



TED STEWART
United States District Judge